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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/31/1998

DALE L. BARTHOLOMEW

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EXAMINER

NG, CHRISTINE Y

ART UNIT

PAPER NUMBER

2464

NOTIFICATION DATE

DELIVERY MODE

02/02/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 09/144,635</p>	<p>Applicant(s) BARTHOLOMEW ET AL.</p>	
	<p>Examiner CHRISTINE NG</p>	<p>Art Unit 2464</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit 2464

Continuation of 11. does NOT place the application in condition for allowance because:

Referring to the argument of claim 27 that Weinstein et al do not disclose scanning the local link at switch 120 to provide monitoring of a signal (page 14, line 10 to page 15, line 4): Switch 120 acts as a scanning device since it selectively connects either PC 122 or other devices 121 from the local link (subscriber link 110) to the detector (DTMF receiver 123 and prefix recognizer 125) for monitoring. Switch 120 reads on a "scanning device" since it performs the function of the scanning device that is claimed, which is to connect either PC 122 or other devices 121 from the local link to the detector. Switch 120 "selectively" connects the local link to the detector since switch 120 can connect either PC 122 or other devices 121 to the local link by scanning PC 122 and other devices 121 to determine which device needs to be monitored by DTMF receiver 123 and prefix recognizer 125 for access to the network. Refer to Column 4, lines 12-26 and Column 4, line 55 to Column 6, line 35.

Referring to the argument of claim 46 that Weinstein et al do not disclose that the switch 130 is configured for scanning local links (page 15, lines 6-24): The claim claims that the switch (voice/data switch 130) comprises a controller for controlling the scanning; the controller reads on switch 120. Voice/data switch 130 is connected to switch 120. Switch 120 acts as a scanning device since it selectively connects either PC 122 or other devices 121 from the local link (subscriber link 110) to the signal detector (DTMF receiver 123 and prefix recognizer 125) for monitoring. Voice/data switch 130 works with switch 120 to scan the local link to determine whether PC 122 or other devices 121 needs access to the network, and which network (narrowband or broadband) that it needs. Refer to the rejection of claim 27.

Referring to the argument of claim 46 that Weinstein et al do not disclose a controller for controlling the scanning (page 15, line 25 to page 16, line 4): The controller is switch 120 since it is connected to voice/data switch 130 and performs scanning. Refer to Column 4, lines 12-26. Refer to the argument for claim 27.

Referring to the argument of claim 54 that Weinstein et al do not disclose receiving a request for a communication path to a destination (page 16, lines 6-24): Subscribers send a request for a communication path by dialing a telephone number of a destination. This is specifically disclosed in Column 4, lines 55-67 since the subscriber requests access through the network to a dialed destination. Subscriber line 110, line card 115 and voice switch 155 are used to route the call to the dialed destination number since these equipments connect subscriber terminals 122 to the telephone network. Refer to Column 5, lines 36-43.

Referring to the argument of claim 54 that Weinstein et al do not disclose controlling a scanning device (switch 120) to selectively connect a detector (DTMF receiver 123 and prefix recognizer 125) to the local link (subscriber line 110), wherein the scanning device and detector are associated with a line unit (line card 115) (page 16, line 25 to page 17, line 2): Switch 120 is connected to line cards 115; DTMF receiver 123 and prefix recognizer 125 are located in line cards 115. Refer to the argument for claim 27.

Referring to the argument of claim 59 (page 17, lines 3-7): Refer to the argument for claim 27.

Referring to the argument of claim 1 that Weinstein et al do not disclose a scanning device and detector, and scanning the local link (page 17, lines 10-27): Switch 120 reads on the scanning device, and DTMF receiver 123 and prefix recognizer 125 in combination read on the detector. The scanning device and detector are claimed as two separate elements. DTMF receiver 123 and prefix recognizer 125 control voice/data switch 130 to send voice requests from PC 122 or other devices 121 to voice-band filter 145 for transmission through voice-band filter 145 to a telephone system, and to send data requests to concentrator 160 for transmission to data network 185. By differentiating between prefixes, DTMF receiver 123 and prefix recognizer 125 perform the role of a detector since it detects whether calls should be forwarded to a telephone system or a data network. Refer to Column 4, line 55 to Column 6, line 35. Also, switch 120 connects the detector (DTMF receiver 123 and prefix recognizer 125) to the local link (subscriber line 110) since switch 120 connects either PC 122 or other devices 121 from the local link to the signal detector. Without switch 120, the connection between the local link and the signal detector would not be functional since the local link would not be connected to any device. Switch 120 completes the connection between the local link to the signal detector. Furthermore, switch 120 also connects devices to the signal detector via the local link. Refer to Column 4, lines 12-26. Refer also to the argument for claim 27.

Referring to the argument of claim 1 that Weinstein et al and Gliga et al do not disclose the concentrator network (page 18, line 1 to page 19, line 2): Weinstein et al disclose establishing a communication path from said local link through said line unit; and responsive to said determination, connecting said communication path through a portion of said line unit around a converter in said line unit to a wide band data switch connected to a data network. Refer to the rejection of claim 1. However, Weinstein et al do not disclose establishing a communication path from said local link through a concentrator network in said line unit; and responsive to said determination, connecting said communication path from said concentrator network through a portion of said line unit around a converter in said line unit to a wide band data switch connected to a data network. Therefore, Weinstein et al just do not disclose a concentrator network in said line unit. Gliga et al disclose in Figures 1 and 2 that each line unit 106 is equipped with a concentrator that concentrates 700-100 telephone lines onto 120 channels. Concentration is a form of economic switch design that provides only enough crosspoints to support a certain number of subscribers requiring service, which reduces system costs. Refer to Column 1, line 15-30; and Column 3, line 19 to Column 4, line 44. Gliga et al is just used to teach the benefits of using a concentrator network in said line unit, since Weinstein et al already disclose the other portions of the claim.

Referring to the argument of claim 18 (page 19, lines 3-7): Refer to the argument for claim 1.

Referring to the argument of claim 41 that switch 120 is not configured to sequentially connect to at least one of the plurality of local links (page 19, lines 13-26): Weinstein et al disclose a scanning device (switch 120) that is configured to sequentially connect to a local link. Refer to the rejection of claim 41. However, Weinstein do not disclose that the switch is configured to sequentially connect to at least one of the plurality of local links. Gliga et al disclose in Figures 1 and 2 that each line unit 106 is equipped with a concentrator that concentrates 700-100 telephone lines onto 120 channels. Each line unit 106 controls all the telephone lines so it can sequentially connect to each line depending on which line is in use. Concentration is a form of economic switch design that provides only enough crosspoints to support a certain number of subscribers requiring service, which reduces system costs. Refer to Column 1, line 15-30; and Column 3, line 19 to Column 4, line 44. Gliga et al is just used to teach the benefits of using a plurality of local links, since Weinstein et al already disclose the other portions of the claim. Furthermore, Weinstein et al disclose in Figure 1 a plurality of subscriber lines 110.

Referring to the argument of claim 41 that Weinstein et al do not disclose that the monitor generates an output signal to said concentrator network to cause concentrator network to provide a connection to said port (page 20, lines 1-18): Weinstein et al

disclose a monitor (DTMF receiver 123 and prefix recognizer 125) in communication with said scanning device, wherein the monitor is configured to, upon detecting a pre-designated signal (dialed telephone numbers could be directed to the telephone system or data network 185; numbers to data network 185 are preceded with a prefix; Column 4, line 55 to Column 6, line 10) on a local link connected within said sequence, generate an output signal to said line card 115 to cause said line card 115 to provide a connection to said port for signals on said link. DTMF receiver 123 and prefix recognizer 125 control voice/data switch 130 in line card 115 to send voice requests to voice-band filter 145 for transmission through output 135 to a telephone system, and to send data requests to concentrator 160 for transmission through output 140 to data network 185. Since DTMF receiver 123 and prefix recognizer 125 controls voice/data switch 130 to connect to either the telephone system or the data network, DTMF receiver 123 and prefix recognizer 125 must send an output signal to voice/data switch 130 to connect to the appropriate port. Refer to Column 4, line 12 to Column 6, line 35. Weinstein et al do not disclose that the monitor generates an output signal to said concentrator network to cause said concentrator network to provide a connection to said port for signals on said link. Gliga et al is just used to teach the benefits of using a concentrator network, since Weinstein et al already disclose the other portions of the claim.

Referring to the argument of claim 48 (page 20, lines 19-23): Refer to the argument for claim 46.

Referring to the argument of claim 53 (page 20, lines 24-28): Refer to the argument for claim 1.

Referring to the argument of claim 56 (page 21, lines 1-5): Refer to the argument for claim 27.